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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,479	01/09/2002	Viktors Berstis	AUS920011009US1	6080
7590	02/17/2005		EXAMINER	
Kelly K. Kordzik 5400 Renaissance Tower 1201 Elm Street Dallas, TX 75270			DHARIA, PRABODH M	
		ART UNIT	PAPER NUMBER	
		2673		

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,479	BERTSIS, VIKTORS	
Examiner	Art Unit		
Prabodh M Dharia	2673		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 January 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-54 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 09 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01-09-02.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it repeats the title and total word count exceed 150. Correction is required. See MPEP § 608.01(b).

### *Election/Restrictions*

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10 are drawn to display driving by controlling light modulating element (optical element), classified in class 345, subclass 84-87.
  - II. Claims 11-20 are drawn to display, with circuit controlling corresponding to pixel value of light modulating element (optical element), and directing different views classified in class 382, subclass 117.
  - III. Claims 21-30 are drawn to display with CPU and storage (RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively in class 348 subclass 51.

IV      Claims 31-39 are drawn to display setting or clearing output bits to set pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing, classified in class 345 subclass 473.

V      Claims 40-54 are drawn to display with light modulating element such as prism/lense having predetermined metallic shape surfaces coupled with piezoelectric element, classified in class 348 subclass 207.2.

4.      The inventions are distinct, each from other because:

Invention I relates a display unit driving by controlling light modulating element; however, it does not relate to display with circuit controlling corresponding to pixel value of light modulating element (optical element), and directing different views, display with CPU and storage RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively, display setting or clearing output bits to set pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing, and display with light modulating element such as prism/lense having predetermined metallic shape surfaces coupled with piezoelectric element.

Invention II relates relate display with circuit controlling corresponding to pixel value of light modulating element (optical element), and directing different views, however, it does not relate to a display unit driving by controlling light modulating element; display with CPU and storage RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively, display setting or clearing output bits to set

pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing, and display with light modulating element such as prism/lense having predetermined metallic shape surfaces coupled with piezoelectric element.

Invention III relates to display with CPU and storage RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively, however, it does not relate to a display unit driving by controlling light modulating element; display with circuit controlling corresponding to pixel value of light modulating element (optical element), and directing different views, display setting or clearing output bits to set pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing, and display with light modulating element such as prism/lense having predetermined metallic shape surfaces coupled with piezoelectric element.

Invention IV relates to display setting or clearing output bits to set pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing, however, it does not relate to a display unit driving by controlling light modulating element; display with circuit controlling corresponding to pixel value of light modulating element (optical element), display with CPU and storage RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively, and directing different views, and display with light modulating element such as prism/lense having predetermined metallic shape surfaces coupled with piezoelectric element.

Invention V relates to display with light modulating element such as prism/lens having predetermined metallic shape surfaces coupled with piezoelectric element, however, it does not relate to a display unit driving by controlling light modulating element; display with circuit controlling corresponding to pixel value of light modulating element (optical element), display with CPU and storage RAM) bits corresponding to pixel value of light modulating element (optical element) and displaying stereoscopically images interactively, and directing different views, and display setting or clearing output bits to set pixel values for array of light modulating element does not occurred until achieving proper sub-frame timing.

5. These above mentioned reasons the inventions described and categorized by class /subclass above are distinct. Search required for each class and subclass is independent.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 703-605-1231.

The examiner can normally be reached on M-F 8AM to 5PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-3054938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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02-10-2005



VIJAY SHANKAR  
PRIMARY EXAMINER